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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/297,289 04/28/99 MOTEKI

M	551512/058
EXAMINER	

MMC1/0430

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NEW YORK NY 10038-4982

ART UNIT	PAPER NUMBER
Robbinski, B	

DATE MAILED:

04/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary	Application No. 297289	Appointments Moteki et al	
	Examiner Roskoski	Group Art Unit 2859	

- ☒ Responsive to communication(s) files on 2-15-01 and preliminary amendment _____.
- ☐ This action is **Final**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under ex parte Quayle, 1935 C.D. 11; 453 O.G. 213

A shortened statutory period for response is set to expire 3 Month(s), from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133) Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of claims

- ☒ Claim(s) 14-40 is/are pending in the application.
- ☐ Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 14-40 is/are rejected.
- ☐ Claims _____ is/are objected to.
- ☐ Claims _____ is/are allowed.
- ☐ Claims _____ are subject to restriction or election requirement.

Application papers

See the attached note of draftsman/s patent drawing review, PTO-948.

- ☐ The drawings filed on _____ is/are objected to by the examiner.
- ☐ The proposed drawing correction filed on _____ is approved disapproved.
- ☐ The specification is objected to by the examiner.
- ☐ The oath or declaration is objected to by the examiner,

Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d)
- ☒ all ☐ some ☐ none of the certified copies of the priority documents have been
- ☐ received.
- ☐ received in Application no. (Series code/serial number) _____.
- ☒ received in this national stage application from the international bureau (pct rule 17.2(a)).
- * Certified copies not received: _____
- ☐ Acknowledgment is made of the claim for domestic priority under 35 U.S.C. § 119(e)

Attachment(s)

- ☒ Notice of References Cited PTO-892
- ☒ Information disclosure Statement(s), PTO-1449, Paper No.(s)
- ☐ Notice of draftsman patent drawing review, PTO-948
- ☐ Notice of informal Patent Application, PTO-152
- ☐ Attachment AF After Final Facsimile program

--See office action on the following pages --

Part III. Detailed Rejection.

Applicant's election of the Invention 1. As applicant has presented no arguments against the restriction, the election must be considered as made without traverse. Claims 41-50 have been cancelled by applicant.

35 U.S.C. 102 Rejections

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this office action:

a person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the united states.

Claims 14, 16, 17, 20, 23, 25, 26, 28, 34, 36, 37, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Peker et al or Ishibachi et al or Japan(237).

35 U.S.C. 103 Rejections

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the

invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Claims 14-40 are rejected under 35 U.S.C. 103 as being unpatentable over Peker et al or Ishibachi et al or Japan(237) . It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct conventional springs (main hair etc.) of amorphous material as taught by Peker et al or Ishibachi et al or Japan(237) in order to gain benefits thereof as describe in Peker et al or Ishibachi et al or Japan(237). size and shape are matter of design.

35 U.S.C. 112 Rejections

Claim 15, 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "incorporated in substrate" odes not have proper antecedent in the disclosure . This feature must be illustrated.


Any inquiry Concerning this communication or earlier communications from the examiner should be directed to examiner Roskoski, whose telephone number is (703)-308-3095. The examiner can normally be reached on Tuesday - Friday from 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Mr. Gutierrez**, can be reached on (703)-308-3875. The fax phone number for this Group is (703) 305--34[31,32]. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-9056.

Serial No. 297289
Art Unit 2859

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April 25, 2001


Bernard Roskoski
Primary Examiner
Art Unit 2859